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July 5, 1995

VIA HAND DELIVERY

Mr. William F. Caton, Acting Secretary
Federal Communications Commission
Room #222
1919 M Street, N.W.
Washington, D.C. 20554

Re: In the Matter of Amendment of Parts 2 and 15 of the Commission's Rules to Deregulate the Equipment Authorization Requirements for Digital Devices
ET Docket No. 95-15

Dear Mr. Caton:

Enclosed please find for filing on behalf of Motorola, Inc. an original and five copies of Reply Comments of Motorola, Inc.

Also enclosed please find one copy of the Reply Comments of Motorola, Inc. to be date stamped and returned with our messenger.

If there are any questions concerning this filing, please do not hesitate to contact me.

Respectfully submitted,

Alfred M. Mamlet
Counsel for Motorola

Enclosures
cc: John A. Reed, FCC

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
Amendment of Parts 2 and 15 of the	)	**ET Docket No. 95-19**
Commission's Rules to Deregulate	)	
the Equipment Authorization	)	
Requirements for Digital Devices	)	
	)	

REPLY COMMENTS OF MOTOROLA, INC.

I. INTRODUCTION

Motorola, Inc. ("Motorola") commends the Commission for its proposal to streamline the equipment authorization requirements for personal computers and personal computer peripherals. The proposed rules will significantly reduce the regulatory burden on manufacturers without sacrificing the current high rate of compliance with FCC standards. The result will be a more competitive U.S. computer industry both at home and abroad, which will benefit U.S. manufacturers and consumers alike.

In these Reply Comments, Motorola would first like to request the Commission clarify the scope of this rulemaking. Specifically, Motorola would like the Commission to confirm that this rulemaking applies only to Class B unintentional radiators, such as personal computers and personal computer peripherals (*i.e.*, information technology equipment or "ITE"), and not to other types of unintentional

radiators, such as receivers, or to intentional radiators.[1/] In particular, the authorization process for intentional radiators raises significantly different policy and technical considerations than for unintentional radiators, and it is thus inappropriate to include such devices in this rulemaking.

Motorola would also like to offer the following comments on specific aspects of the Commission's proposals. **First**, Motorola, like most other parties, strongly supports the Commission's proposed self-certification procedure. This procedure will eliminate many of the inherent costs and delays of the current authorization process. Eliminating these costs and delays will strengthen the competitiveness of the U.S. computer industry both at home and abroad. Motorola also generally supports the Commission's proposal to include modular components within this new authorization program.

Second, Motorola also strongly supports the Commission's proposal to require laboratory accreditation as a part of this self-certification program. In this regard, Motorola continues to believe that NVLAP offers an efficient, cost-efficient accreditation program. However, it also agrees with a number of other parties that any internationally accepted accreditation program that, like NVLAP, is based on ISO Guide 25 should be permitted to offer accreditation services. While a number of comments mentioned other standards, including ISO Guide 9000, as acceptable alternatives to NVLAP accreditation, Motorola continues to believe that ISO Guide 25-based accreditation offers both unparalleled quality and international acceptance. Thus, accreditation based on ISO Guide 25 would constitute a significant step towards both consistent compliance with FCC standards and international harmonization. Such harmonization would in turn help eliminate the costly and time-consuming need for U.S.

[1/] See NPRM at ¶ 1 ("[T] Commission proposes. . . to streamline the equipment authorization requirements for personal computers and personal computer peripherals").

manufacturers to retest products abroad. Lower costs and more advanced technology will benefit the U.S. computer industry and U.S. consumers.

In short, the Commission's proposals offer significant benefits to U.S. industry and consumers alike. By streamlining the authorization process in such a way as to reduce costs and delays as well as facilitate future international harmonization, the Commission is helping to ensure that the U.S. computer industry can compete effectively and efficiently at home and abroad, which will in turn permit it to provide high quality, low-cost products to U.S. consumers. Such benefits will clearly contribute to a stronger U.S. economy.

II. MOTOROLA AND MOST OTHER PARTIES SUPPORT THE COMMISSION'S SELF-CERTIFICATION PROGRAM FOR PERSONAL COMPUTERS AND PERIPHERALS

Motorola joins virtually all other parties in supporting the Commission's proposal to streamline equipment authorization requirements for personal computers and personal computer peripherals.[2/] As the Commission itself pointed out, the existing authorization program is both unnecessarily lengthy and costly.[3/] The new program, based on a Declaration of Conformity ("DoC") significantly reduces these burdens by

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[2/] See e.g., Comments of American Association for Laboratory Accreditation ("A2LA") at 1; Comments of American Radio Relay League at 4-5, Comments of AT&T Corp. at 3-5; Comments of Apple Computer, Inc. ("Apple") at 1-2; Comments of Association of Independent Scientific, Engineering and Testing Firms ("ACIL") at 1; Comments of Communications Certification Laboratory ("CCL") at 1-3; Comments of Compliance Consulting Services ("CCS") at 1; Comments of Computing Technology Industry Association ("CTIA") at 2; Comments of Consumer Electronics Group of the Electronic Industries Association at 2-3; Comments of Elite Electronic Engineering ("Elite") at 1-2; Comments of Gateway 2000 at 1-2; Comments of Hewlett-Packard Company ("Hewlett-Packard") at 2; Comments of Information Technology Association of Canada at 2; Comments of Information Technology Industry Council ("ITI") at 8-9; Comments of Intel Corporation at 1; Comments of International Business Machines Corporation ("IBM") at 1-2; Comments of International Compliance Corporation ("ICC") at 1; Comments of NEC Technologies, Inc. at 2; Comments of Retlif Testing Laboratories ("Retlif") at 1; Comments of Silicon Graphics, Inc. at 2; Comments of Spirit Technologies, Inc. ("Spirit") at 1; Comments of Sun Microsystems, Inc. ("Sun Microsystems") at 1.

[3/] See e.g., NPRM at ¶¶ 2 & 11.

permitting manufacturers to avoid excessive filing costs and marketing delays. Moreover, in contrast to the views of a few parties who fear that the new program may result in increased interference,[4/] Motorola believes that the program will continue to ensure a high standard of compliance with FCC standards. The result is an authorization program which maximizes compliance while minimizing regulatory burdens. These benefits were summed up by the Information Technology Industry Council ("ITI") as follows:

> The proposed Declaration of Conformity program has several substantial advantages over the current certification requirement applicable to personal computers. First, it eliminates the paperwork and delay of the certification program, but without reducing the obligations associated with obtaining compliance imposed on manufacturers. Significantly, manufacturers will still have to establish compliance with limits and so certify, in writing.
>
> Moreover, this program will introduce certainty into a manufacturer's marketing scheme by allowing introduction of devices as soon as compliance has been demonstrated. By eliminating the vagaries of the FCC's seasonal review delays that have been inherent in any pre-marketing FCC approval process, consumers can get products faster and at a lower price. Delays in the time to market for a product create substantial cost, particularly as to products, like computers, that enjoy relatively short product life cycles.[5/]

In short, the new rules offer a substantially improved regulatory structure -- one that provides benefits to manufacturers and consumers alike. By reducing costs and delays, the new rules will increase returns on investment in the industry, which will

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[4/] Comments of Association for Maximum Service Television, Inc. at 2-4; Comments of Association of Federal Communications Consulting Engineers ("AFCCE") at 2; Comments of Carl T. Jones Corporation at 3; Comments of Coalition of Concerned Independent Testing Laboratories ("CCITL") at 2.

[5/] Comments of ITI at 11 (emphasis in original).

in turn help to both increase manufacturers' competitiveness and enable them to provide consumers with innovative, high quality products at lower prices.[6/]

Motorola also joins many parties in supporting the Commission's modular component approach.[7/] Specifically, Motorola supports the Commission's proposal to require all computer components, such as CPU boards, power supplies and enclosures, that are designed for use in personal computers and marketed to the public, to comply with the Commission's technical standards.[8/] Further, Motorola supports the Commission's proposal to permit parties to integrate personal computer systems using authorized components without requiring the retesting of the completed system, so long as such integrators follow the appropriate assembly instructions. While a number of parties appeared concerned that such a modular approach would decrease compliance with FCC standards,[9/] Motorola agrees with ITI that:

> [B]y imposing the Declaration of Conformity Program on manufacturers of previously unregulated modular components. . . this approach will provide the integrator/supplier with a realistic opportunity for complying, thereby substantially improving the likelihood that a greater portion of this industry segment will, indeed, comply.[10/]

However, Motorola does concur with those comments that emphasized that such modular systems must be comprised solely of authorized parts.[11/]

6/ NPRM at ¶ 11; Comments of Motorola at 3; Comments of ITI at 13; Comments of IBM at 2.

7/ Comments of Hewlett-Packard at 4; Comments of ITI at 21; Comments of Intel Corporation at 3; Comments of Spirit Technologies at 6; Comments of Unisys Corporation ("Unisys") at 3-4.

8/ NPRM at ¶ 17.

9/ See e.g., Comments of AT&T at 13; Comments of AFCCE at 3-4; Comments of CCIL at 4-5; Comments of Compaq Computer Corporation ("Compaq") at 9.

10/ Comments of ITI at 27.

11/ See e.g., Comments of ITI at 24.

In addition, many parties echoed Motorola's strong support for a simplified labeling requirement. A simple, internationally recognizable logo will both help the consumer to easily determine whether a device complies with FCC standards and reduce the labeling burden on manufacturers who must conduct business in the multilingual environment of the global marketplace.[12/] In this regard, a simple logo constitutes yet another step towards achieving international standardization.

III. MANDATORY ACCREDITATION BASED ON ISO GUIDE 25 IS AN ESSENTIAL COMPONENT OF THE COMMISSION'S PROPOSAL

A number of parties opposed the Commission's proposal to include mandatory accreditation of testing facilities as part of its new authorization program on the grounds that it is a costly, time-consuming and unnecessary requirement that would likely be viewed by foreign manufacturers as a trade barrier.[13/] On the contrary, such accreditation, if based on ISO Guide 25, is an economical and efficient means of ensuring consistently high levels of compliance with FCC standards and of facilitating international standards harmonization. As such, it is an essential element of the Commission's self-certification program.

First, accreditation (particularly NVLAP accreditation) is in fact an effective means of ensuring quality EMC testing. As the American Radio Relay League stated:

> [A] new requirement that test laboratories used by the device manufacturers be accredited . . . . would appear a

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12/ See e.g., Comments of Apple at 3-4; Comments of CCL at 5; Comments of Compaq at 5; Comments of CCS at 2; Comments of CTIA at 3-4; Comments of Electromagnetic Engineering Services, Inc. at 6; Comments of Gateway 2000 at 3-4; Comments of Hewlett-Packard at 3; Comments of ITI at 3; Comments of IBM at 2-3; Comments of Sun Microsystems at 1; Comments of Texas-Instruments, Inc. at 9; Comments of Unisys at 5.

13/ See e.g., Comments of AT&T at 5-8; Comments of Compaq at 7-8; Comments of Hewlett-Packard at 3; Comments of ITI at 14-18; Comments of Intel at 2; Comments of IBM at 8-10; Comments of Silicon Graphics, Inc. at 3-4; Comments of Sony at 5-7; Comments of Unisys at 4.

> positive step toward assuring standardization and quality control of the testing procedures, and a reasonable means of assurance that the device tested will in fact meet the specifications contained in the laboratory report.[14/]

Indeed, many independent test labs (who could be expected to bear the brunt of any accreditation requirement) emphasized that the proposed accreditation requirement is the most important element of the Commission's new program.[15/] In the words of the Association of Independent Scientific, Engineering and Testing Firms ("ACIL"):

> ACIL supports the Commission proposal for the use of Manufacturer's Declaration of Conformity (DOC), **PROVIDING** that such rule making also mandates the formal. . . accreditation of all **INDEPENDENT** testing laboratories providing data in support of such DOCs. Without the laboratory accreditation component we can not support the concept of a manufacturer's DOC.[16/]

Accreditation is particularly important for ensuring that products comply with FCC standards before they are marketed. It should be emphasized that, while there is currently a high rate of compliance with FCC standards, this success is due in part to the safeguards inherent in the current authorization process, including pre-sale FCC product approval. The accreditation requirement is proposed as a substitute for, not an addition to, such safeguards. A strong FCC field audit program, while an excellent idea, is by itself an insufficient mechanism for ensuring that products comply with FCC standards prior to marketing.

Second, as Motorola argued in its comments, NVLAP accreditation is an efficient, cost-effective method of assuring compliance. Quality EMC testing already

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[14/] Comments of American Radio Relay League at 4. See also NPRM at ¶ ¶ 8 & 9; Letter from Chairman of the American Council of Independent Laboratories EMC Subcommittee to Federal Communications Commission's Sampling and Measurements Branch (Dec. 21, 1994); Comments of Motorola at 5.

[15/] Comments of ACIL at 1 (emphasis in original); Comments of CCL at 2-4; Comments of CCS at 1; Comments of Elite at 1; Comments of ICC at 3; Comments of PCTest Engineering Laboratory, Inc. at 4; and Comments of Retlif at 2.

[16/] Comments of ACIL at 1.

meets NVLAP standards (*i.e.*, ISO Guide 25), and thus such accreditation will not require additional financial outlays or significant delays. Additionally, the annual fee for NVLAP accreditation is only $2,200 -- a fee which will be more than offset by the benefits of accreditation. Such accreditation is therefore neither excessively costly nor otherwise burdensome.

Third, Motorola also strongly agrees with parties, such as ACIL, that mandatory accreditation will facilitate, not hinder, international trade.[17/] As both ACIL and the Department of Commerce noted, while some U.S. trading partners, such as the European Union, do not explicitly require accreditation, their authorization procedures do effectively impose such a requirement on U.S. manufacturers.[18/] Thus, accreditation should not in and of itself be viewed as a trade barrier. Moreover, by basing its accreditation requirement on an internationally recognized standard, and by proposing to apply this standard equally to domestic and foreign manufacturers alike, the Commission is both acting consistently with the international trade principle of national treatment[19/] and laying the groundwork for the successful negotiation of mutual recognition agreements ("MRAs"). Indeed, NVLAP has already negotiated, and is actively negotiating, a number of MRAs with their foreign counterparts. On this point, Motorola notes that, without delaying the adoption of this new program, the FCC should coordinate its actions with the Department of Commerce's efforts to negotiate Mutual Recognition Agreements ("MRAs"). Such coordination will help to achieve the benefits of international harmonization as quickly as possible.

Motorola would like to emphasize that the essential element of a mandatory accreditation requirement is not NVLAP accreditation *per se* (although, as discussed above, NVLAP accreditation is an excellent model), but adherence to ISO

17/ Comments of ACIL at 3-4.

18/ Comments of ACIL at 3-4; Comments of the Department of Commerce at 2.

19/ Comments of ACIL at 3.

Guide 25. While a few parties suggested that ISO Guide 9000 would be a preferable standard,[20] Motorola believes that standard is inferior for two reasons. First, in terms of quality, ISO Guide 25 is geared specifically to test laboratories, while ISO Guide 9000 is not. Second, with respect to international harmonization, more foreign labs are based on ISO Guide 25 than ISO Guide 9000. Thus, Motorola agrees that any accreditation body, such as A2LA, that is based on ISO Guide 25 should be permitted to administer an accreditation program. Indeed, Motorola agrees with those parties who noted that the benefits of accreditation just discussed will be even greater as a result of competition between accrediting bodies.[21] Such competition will help not only to reduce any costs and delays to domestic and foreign manufacturers alike, but also to ensure the highest quality accreditation possible. Competition will also provide significant international benefits, as multiple accrediting bodies will likely contribute to the negotiation of MRAs, thereby bringing the U.S. one step closer to achieving international harmonization.

IV. CONCLUSION

Motorola fully endorses the Commission's proposal to permit self-certification of Class B unintentional radiators, such as personal computers and personal computer peripherals through NVLAP or other accredited testing laboratories based on ISO Guide 25. Such a self-certification procedure will significantly strengthen the U.S. computer industry at home and abroad by reducing unnecessary costs and delays at home, and by facilitating efforts towards international standards harmonization. These benefits will in turn benefit U.S. consumers through higher

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20/ See e.g., Comments of Information Technology Association of Canada at 3; Comments of IBM at 9; Comments of NEC at 6; and Comments of Unisys at 5.

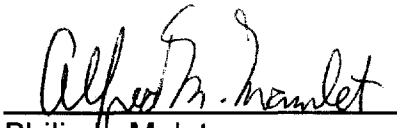
21/ Comments of ACIL at 3; Comments of Elite at 3; Comments of Gateway 2000 at 5-6; and Comments of Retlif at 2.

quality, less expensive products. For these reasons, Motorola urges the Commission to act expeditiously to adopt its proposed rules.

Dated: July 5, 1995

Respectfully submitted,

MOTOROLA, INC.



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CERTIFICATE OF SERVICE

I, Alfred M. Mamlet, hereby certify that I have this 5th day of July, 1995, caused to be delivered by hand (except as noted) copies of the foregoing "Reply Comments of Motorola, Inc.," to the persons named on the attached service list.

Alfred M. Mamlet

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